IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 743 of 2007(L)

PETITIONER:

P.RETNAKUMR, ASSISTANT DIRECTOR (RETD.), DIRECTORATE OF INDUSTRIES & COMMERCE, THIRUVANANTHAPURAM, PRESENT ADDRESS: "PADMAVILASAM" KELESWARAM, KALLIYOOR P.O., THIRUVANANTHAPURAM-42.

BY ADV. SRI.K.RAMAKUMAR.

RESPONDENTS:
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1. **THE ACCOUNTANT GENERAL (A & E), KERALA, TRIVANDRUM.**
2. **THE SECRETARY TO GOVERNMENT, DEPARTMENT OF INDUSTRIES, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
3. **THE DIRECTOR OF INDUSTRIES & COMMERCE, THIRUVANANTHAPURAM.**

BY SR. GOVERNMENT PLEADER SRI. NANDAKUMAR.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.743/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE REPRESENTATION DTD. 18/12/04 SUBMITTED BY THE PETITIONER TO THE R.1.

EXT.P.2: COPY OF THE REPRESENTATION DTD. 05/05/06 SUBMITTED BY THE PETITIONER TO THE SECRETARY, DEPARTMENT OF INDUSTRIES.

EXT.P.3: COPY OF THE COMMUNICATION DTD. 26/10/06 FROM THE DIRECTOR OF INDUSTRIES AND COMMERCE REQUESTING THE ACCOUNTANT GENERAL TO RE-CAST THE PAY OF THE PETITIONER.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

V.GIRI,J.

W.P (C) No. 743 of 2007

Dated this the 11th December, 2007

J U D G M E N T

The petitioner retired from service as an Assistant Director in the Department of Industries and Commerce on 31.1.2005. He was sanctioned pension of Rs.4,430/-. He points out the anomaly by making reference to the fact that his junior in the Cadre of Deputy Registrar had been granted pension of Rs.5,400/-. He moved the Accountant General for revision of his pension and when there was delay, he approached this Court. In the counter affidavit filed by the 3rd respondent, it is stated that the Government had regularized the provisional appointment of the petitioner and his junior in the post of Deputy Registrar with effect from 14.12.1993. The petitioner and his immediate junior were regularized as per proceedings dated 12.11.1998 and both the incumbents were regularized in the cadre of Assistant District Industries Officer and Assistant Registrar with effect from 1.12.1992. Petitioner is eligible for notional fixation with effect from the date of regularization and is also elgible for arrears from the date when he actually officiated in the post. It is also mentioned therein that the

Accountant General has sanctioned revised pension of Rs.8,093/- for a total qualifying service of 30 years. This has been intimated to the Government .

In the circumstances, this writ petition is disposed of directing the 3rd respondent to take appropriate steps to see that the revised pension is disbursed to the petitioner, without delay, along with arrears. Needful shall be done in this regard, within two months from the date of receipt of a copy of this judgment. Petitioner's claim for interest is left open to be agitated in appropriate proceedings.

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007